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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,530	02/27/2004	Scott Musson	BEAS-01374US1	6918
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FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER ULRICH, NICHOLAS S	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/788,530	Applicant(s) MUSSON ET AL.	
	Examiner Nicholas S. Ulrich	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-67 are pending.

Specification

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

- (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

Art Unit: 2173

- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

2. The disclosure is objected to because of the following informalities: Element (g), brief summary, discussed above is not present in the disclosure.

Appropriate correction is required.

Claim Objections

3. Applicant is advised that should claims 2,3, and 4 be found allowable, claims 22, 23, 24, 39, 40, and 41 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 67 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. An electronic signal is a form of energy and does not fall into any of the statutory categories of a process, machine, manufacture, or composition of matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 34, 50 and 67 recite the limitation "the representation". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiigi et al. (US 2003/0014442 A1).

In regard to **claims 1, 50, and 67**, Shiigi discloses a method and machine readable medium for rendering a graphical user interface (GUI), comprising:

providing for the representation of the GUI as a set of controls wherein the controls are organized in a logical hierarchy and wherein each one of the controls has an entitlement that can be used to determine whether or not the control is visible when rendered (*Paragraph 0014 lines 12-14, Paragraph 0016 and Paragraph 0056: Controls are organized in a template hierarchy which provides entitlement for each of the controls based on the tags specified within the template. Included with the controls is the use of text that can be used for entitling the control*);

traversing the representation, wherein the traversing comprises:

associating a theme with a first control in the set of controls (*Paragraph 0082 lines 4-6: The Object model is invoked*);

rendering the first control according to the theme (*Paragraph 0050: step 1*);

rendering any descendents of the first control according to the theme (*Paragraph 0051: Step 2*);

wherein any descendents of the first control can override the theme (*Paragraph 0051 lines 10-12*);

and wherein one of the set of controls can communicate with another of the set of controls (*Column 0054 lines 4-5: objects can be reused and shared*).

In regard to **claim 18**, Shiigi discloses a method for rendering a graphical user interface (GUI), comprising:

accepting a request (*Paragraph 0039 lines 3-4*);

mapping the request to a set of controls that represent the GUI, and wherein the controls are organized in a logical hierarchy and wherein each one of the controls has an entitlement that can be used to determine whether or not the control is visible when rendered (*Paragraph 0014 lines 12-14, Paragraph 0016 and Paragraph 0056: Controls are organized in a template hierarchy which provides entitlement for each of the controls based on the tags specified within the template. Included with the controls is the use of text that can be used for entitling the control*);

traversing the representation, wherein the traversing comprises:

associating a theme with a first control in the set of controls (*Paragraph 0082 lines 4-6: The Object model is invoked*)

rendering the first control according to the theme (*Paragraph 0050: step 1*);

rendering any descendents of the first control according to the theme (*Paragraph 0051: Step 2*);

and wherein any descendents of the first control can override the theme (*Paragraph 0051 lines 10-12*).

In regard to **claim 34**, Shiigi discloses a method for rendering a graphical user interface (GUI), comprising:

providing for the representation of the GUI as a plurality of controls wherein the controls are organized in a logical hierarchy and wherein each one of the controls has an entitlement that can be used to determine whether or not the control is visible when rendered (*Paragraph 0014 lines 12-14, Paragraph 0016 and Paragraph 0056: Controls are organized in a template hierarchy which provides entitlement for each of the controls based on the tags specified within the template. Included with the controls is the use of text that can be used for entitling the control*);

traversing the representation, wherein the traversing comprises:

associating a first theme with a first control in the plurality of controls (*Paragraph 0082 lines 4-6: The Object model is invoked*);

rendering the first control according to the first theme (*Paragraph 0050: step 1*);

associating a second theme with a second control in the plurality of controls (*Fig 2 element 32: template extension provides for the second set of controls to be added*);

rendering the second control according to the second theme (*Paragraph 0051: Step 2: the second control is determined from template extension*);

and wherein the second control is a descendant of the first control (*Fig 2 elements 30 and 32: element 30 is first control, element 32 is second control which depends from 30*).

In regard to **claims 2, 22, 39, and 51**, Shiigi discloses one of the set of controls can respond to an event raised by another of the set of controls (*Paragraph 0079*).

In regard to **claims 3, 23, 40, and 52**, Shiigi discloses a control can have an interchangeable persistence mechanism (*Fig 5 element 38*).

In regard to **claims 4, 24, 41, and 53**, Shiigi discloses a control can have an interchangeable rendering mechanism (*Fig 5 element 38*).

In regard to **claims 5, 35, and 54**, Shiigi discloses accepting a request (*Paragraph 0039 lines 3-4*).

In regard to **claims 6, 19, 36, and 55**, Shiigi discloses the request in a hypertext transfer protocol (HTTP) request (*Paragraph 0039: lines 2-4 and Paragraph 0100 line 7*).

In regard to **claims 7, 20, 37, and 56**, Shiigi discloses the request originates from a web browser (*Paragraph 0039 lines 2-4*).

In regard to **claims 8, 21, 38, and 57**, Shiigi discloses generating a response (*Paragraph 0041 lines 1-3*).

In regard to **claims 9, 25, 42, and 58**, Shiigi discloses an control can represent one of: button, text field, menu, table, window, window control, title bar, pop-up window, check-box button, radio button, window frame, desktop, shell, head, body, header, footer, book, page, layout, placeholder, portlet and toggle button (*Paragraph 0055 – 0075*).

In regard to **claims 10, 26, and 59**, Shiigi discloses associating the theme with first control can occur when the first control is rendered (*Paragraph 0050: Master template defines the first controls when rendered*).

In regard to **claims 11, 27, 43, and 60**, Shiigi discloses the first control inherits the theme from a parent control (*Paragraph 0047 lines 11-13*).

In regard to **claims 12, 28, 44, and 61**, Shiigi discloses the theme specifies the appearance and/or functioning of an control in the GUI (*Paragraph 0016*).

In regard to **claims 13, 29, 45, and 62**, Shiigi discloses rendering the first control according to the theme can be accomplished in parallel with rendering of other controls (*Fig 3 step 1 elements 36 A and 36 C: Two controls have been rendered simultaneously with the master template*).

In regard to **claims 14, 30, 46, and 63**, Shiigi discloses the theme can be specified in whole or in part by a properties file (*Paragraph 0078 lines 1-4: template files have properties which define the theme of the page*).

In regard to **claims 15, 31, 47, and 64**, Shiigi discloses the properties file can include at least one of: 1) cascading style sheet; 2) Java Server Page; 3) Extensible Markup Language; 4) text; 5) Hypertext Markup Language; 6) Extensible Hypertext Markup Language; 7) JavaScript; and 8) Flash MX (*Paragraph 0078 line 4: using HTML*).

In regard to **claims 16, 32, 48, and 65**, Shiigi discloses the properties file can specify at least one image (*Paragraph 0057*).

In regard to **claims 17, 33, 49, and 66**, Shiigi discloses the GUI is part of a portal on the World Wide Web. (*Paragraph 0100*).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
4/26/2007
2173


TADESSE HAILU
Patent Examiner